

REMARKS

By this response claims 1, 2, 15, 17, and 18 have been amended and claim 20 has been canceled. Claim 1-6, 15-19, and 20-22 remain pending. Reconsideration of the application as amended is respectfully requested.

Rejections under 35 USC §102(e)

Remaining claims 1-5 and 15-19 have been rejected under 35 USC §102(e) over Noble (US 6,190,960). Noble recites a device substantially as described by the Examiner.

The claims as amended comprise novel and nonobvious differences over the teachings of Noble. Claim 1, for example, recites "...a dielectric etch stop liner interposed between the bottom plate and the first plug portion...[and]...a dielectric spacer interposed between the dielectric etch stop liner and the first plug portion and contacting the dielectric etch stop liner and the first plug portion...". Independent claims 15 and 18 have been amended to include similar recitations.

The Examiner uses oxide element 800, which Noble describes as a "bit line insulating liner," to teach the etch stop liner of present claim 1. It appears element 800 of Noble functions as an etch stop during the etch of polysilicon structure 600 of FIG. 10 to result in the structure of FIG. 11. Noble, however, fails to teach or suggest "a dielectric spacer interposed between the dielectric etch stop liner and the first plug portion and contacting the dielectric etch stop liner and the first plug portion" as presently recited in claim 1 and the similar recitations of claims 15 and 18. The liner 800 in FIG. 17 of Noble contacts both the capacitor dielectric 1200 and the first plug portion 1010.

Because Noble as applied by the Examiner fails to teach or suggest every claimed element, rejected independent claims 1, 15, and 18, and rejected claims 2-5, 16, 17, and 19 which depend therefrom are allowable over Noble under 35 USC §102(e).

Rejections under 35 USC §103(a)

Claims 6, 21, and 22 have been rejected under 35 USC §103(a) over Noble.

Claims 1 and 18 comprise novel and nonobvious differences over the recitations of Noble as discussed relative to the rejections under 35 USC §102(e). Thus rejected claims 6, 21, and 22 which depend from claims 1 and 18 are allowable over Noble for at least this reason.

Conclusion

If there are any matters which may be resolved or clarified through a telephone call, the Examiner is cordially invited to contact the undersigned. This is believed to be a complete response to the Examiner's office action.

Respectfully submitted,



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